

EXHIBIT A

From: Loss, Daniel <LossD@SEC.GOV>
Sent: Friday, June 2, 2023 12:19 PM
To: Sarah Heaton Concannon; Moilanen, Lindsay S; Wintermyer, Wesley
Cc: Alex Spiro; Maaren Shah; JP Kernisan; Matthew Langley
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Sarah, just seeing your email and we had already filed the letter. In any event, this was not a joint letter, you had not previously requested to review it in advance, and we expressed our understanding of your client's position as reflected in your email. To the extent you wish to respond to our letter, you of course may do so.

Best,
Dan

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>
Sent: Friday, June 2, 2023 12:44 PM
To: Loss, Daniel <LossD@SEC.GOV>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>
Cc: Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Since you apparently misapprehended our discussions of yesterday and mischaracterized them in your email of last night, please provide us with a copy of your intended submission to the Court in advance of filing, so that we can correct any inaccuracies prior to filing and without need to raise them with the Court. To be clear, we object to any extension. We timely filed our document requests before the Government moved to stay, and unless and until that stay is granted, your responses are due 6/22. An extension is prejudicial to our client's defense of the SEC action.

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any

review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Friday, June 2, 2023 12:29 PM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Cc: Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkerisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Hi Sarah,

This is not consistent with the information relayed in yesterday's discussion and we disagree with your characterizations. In any event, we plan to ask the Court for 21 days following a ruling on the Stay Motion and will describe our understanding of your client's position based on the email below.

Best,
Dan

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Thursday, June 1, 2023 9:45 PM

To: Loss, Daniel <LossD@SEC.GOV>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Cc: Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkerisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That is incorrect. Our position is that when we first met and conferred, the SEC proposed an aggressive schedule and CMP, and indicated that you would begin rolling productions shortly after the then-planned status conference. We agreed to that aggressive CMP and served written discovery requests with a response date of 6/22, before the Government moved to intervene and stay. We also provided a protective order.

The SEC claims to take no position on the Government's motion. Accordingly, the SEC should timely respond to our written discovery requests, including through the immediate production of the investigative file. We proposed a reasonable compromise that is without prejudice and at nominal cost to your client.

Your failure to produce discovery is inconsistent with your professed neutrality on the stay and prejudicial to our client in the SEC's case, where you acknowledge you are sitting on third party productions that could be immediately produced and that we are confident contain exculpatory information critical to our client's defense of the SEC action.

Sarah Heaton Concannon

Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Thursday, June 1, 2023 8:48:55 PM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Cc: Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

We can't agree to that. We plan to ask for 30 days following a ruling on the stay motion to respond to your requests (unless the stay is granted). We will note your client's objection. As I understand it, your client's position is based on (1) the view that there is no reason the documents shouldn't be produced by 6/22 absent a stay, (2) the importance of the documents to the Delaware case, and (3) the importance of the documents to the criminal case. Please let us know if our understanding of the reasons is incorrect so that we can accurately convey your client's position.

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Thursday, June 1, 2023 8:06 PM

To: Loss, Daniel <LossD@SEC.GOV>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Cc: Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan and Lindsay,

Thanks for the call earlier today. Will the SEC agree to immediately produce third-party documents in its possession, custody, or control, regardless of whether the Court grants the USAO's motion to stay? The mere production of third-

party documents already within the SEC's file cannot possibly impact the parallel criminal action, and the burdens of production are nominal.

If so, then we will agree that for (i) the SEC's written responses; and (ii) all other documents called for by our 5/22 requests, the SEC will have until 2 weeks after the Court's order on the stay motion to respond.

Best,
Sarah

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>
Sent: Wednesday, May 31, 2023 12:22 PM
To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Great – thanks.

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>
Sent: Wednesday, May 31, 2023 12:17 PM
To: Loss, Daniel <LossD@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>; Matthew Langley <matthewlangley@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We're available then and will send a dial in.

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>
Sent: Wednesday, May 31, 2023 11:53:39 AM
To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkerisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

No problem, would 3:30 tomorrow work? I'm at 212-336-5571 if you want to give me a call then.

Thanks,
Dan

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>
Sent: Wednesday, May 31, 2023 11:31 AM
To: Loss, Daniel <LossD@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkerisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Traveling and completely out of pocket today, but I'm available for a call tomorrow.

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Wednesday, May 31, 2023 11:05 AM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkerisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Thanks, Sarah. Are you available for a quick call today? I'd like to see if we can try to resolve this without going to the Court.

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Tuesday, May 30, 2023 8:19 PM

To: Loss, Daniel <LossD@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkerisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Absent a stay, we see no reason that written responses should not be served on their due date, 6/22, with the investigative file produced immediately thereafter.

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Tuesday, May 30, 2023 7:21:11 PM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Thanks, Sarah. What is your view as to what the deadline should be in light of the stay motion?

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Tuesday, May 30, 2023 7:14:06 PM

To: Loss, Daniel <LossD@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Dan. Hope your weekend was nice as well. We cannot agree to the proposal below.

Best
Sarah

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>
Sent: Tuesday, May 30, 2023 6:06:19 PM
To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Sarah,

Hope you had a nice weekend. Do you agree that the time period for responding to your First Set of Requests shall be 30 days following the Court's ruling on the stay motion?

Thanks,
Dan

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>
Sent: Thursday, May 25, 2023 1:36 PM
To: Loss, Daniel <LossD@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, we agree that the CMP does not need to be submitted until one week before a to be rescheduled pretrial conference after the hearing on the Government's motion to intervene and stay.

We'll get the letter on file today.

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any

review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>
Sent: Thursday, May 25, 2023, 12:11 PM
To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Sarah,

In light of the Court's order adjourning the IPTC do you agree that the deadline for the proposed case management order is also adjourned? If so, no additional comments on your letter seeking an extension of the deadline to answer.

From: Loss, Daniel <LossD@SEC.GOV>
Sent: Thursday, May 25, 2023 6:55 AM
To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

While we agree to your request for an extension of time to answer, we may have some additional language we will ask you to include in the letter regarding our request, in light of the stay motion, and to the extent the Court grants your request for an extension of time to answer, to adjourn the initial pretrial conference and case management order deadline. Please stand by and we will get back to you shortly with proposed language.

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>
Sent: Wednesday, May 24, 2023 9:12 PM
To: Loss, Daniel <LossD@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

What is your position concerning immediate production of the investigative file and rolling productions of other materials responsive to our document requests? We can agree to postpone the status conference and CMP if the SEC will agree to proceed with production in the interim.

Assume you do not object to the letter to the Court, given Wes's email of earlier today, but please let us know if that's incorrect.

Thanks,
Sarah

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct
703.554.5521 Cell

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Wednesday, May 24, 2023 7:02:01 PM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Sarah what are your thoughts on suggesting an adjournment of the deadline for the case management order and initial pretrial conference?

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Wednesday, May 24, 2023 6:38:50 PM

To: Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Loss, Daniel <LossD@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Per Judge Liman's local rules, all requests for extension of time are to be submitted by letter. Please let us know if you have any comments or concerns on the text of the letter below.

On behalf of our client, Charlie Javice, we respectfully submit this letter to request an extension of time for Ms. Javice to answer or otherwise respond to the Complaint in the above-referenced matter from June 5, 2023 until two weeks after this Court issues a decision on the Government's motion for an order authorizing intervention and staying discovery in this action until the conclusion of *United States v. Charlie Javice*, 23 Cr. 251 (AKH) [ECF Nos. 19-20].

We have conferred with Plaintiff U.S. Securities and Exchange Commission ("SEC") and the SEC consents to the relief sought herein. This is the first such request.

Thank you
Sarah

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct

703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Sent: Wednesday, May 24, 2023 4:54 PM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Loss, Daniel <LossD@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from wintermyerwe@sec.gov]

Dear Sarah:

In response to your request:

1. The SEC takes no position with regard to the stay of discovery requested by the Government; and

2. The SEC agrees to your proposed stipulation.

Many thanks,
Wes

Wesley Wintermyer

Counsel
Division of Enforcement | New York Regional Office
OFFICE +1 212 336 5462
MOBILE +1 646 954 6979
wintermyerwe@sec.gov



**U.S. Securities and
Exchange Commission**

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>
Sent: Wednesday, May 24, 2023 4:27 PM
To: Loss, Daniel <LossD@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan, Wes, and Lindsay:

We are in receipt of the Government's motion to intervene in this action and to stay discovery. Please let us know as soon as possible:

1. The SEC's position with regard to the stay of discovery requested by the Government;
2. Whether you will agree to stipulate to an extension of time for Ms. Javice to answer or otherwise respond to the Complaint until two weeks after the Court's decision on the Government's motion.

Thank you
Sarah

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct

703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Wednesday, May 24, 2023 10:38 AM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Got it – thanks very much.

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Wednesday, May 24, 2023 10:33 AM

To: Loss, Daniel <LossD@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

There is no word version for (1). (We entered our edits into the PDF CMP draft you sent to us.) Attached is word version of (2).

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct

703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Wednesday, May 24, 2023 10:30 AM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Can you please send word versions for items 1 & 2? Thank you.

From: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Sent: Tuesday, May 23, 2023 5:20 PM

To: Loss, Daniel <LossD@SEC.GOV>; Alex Spiro <alexspiro@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan, Wes, and Lindsay,

Please find attached:

1. Our revisions to the proposed CMP (shown in green)
2. A proposed protective order in clean and with redlines against Judge Liman's standard protective order
3. Ms. Javice's first set of document requests (please let us know if you do not agree to service by email)

Best

Sarah

Sarah Heaton Concannon

Partner and Co-Chair of SEC Enforcement Practice

Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor
New York, N.Y. 10010

202.538.8122 Direct

703.554.5521 Cell

sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Loss, Daniel <LossD@SEC.GOV>

Sent: Friday, May 19, 2023 5:12 PM

To: JP Kernisan <jpkernisan@quinnemanuel.com>; Maaren Shah <maarensah@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Jenny Braun <jennybraun@quinnemanuel.com>; Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from lossd@sec.gov]

Resending with JP's correct email address.

From: Loss, Daniel

Sent: Friday, May 19, 2023 5:10 PM

To: jpkernisan@quinnemanuel.com; maarensah@quinnemanuel.com; alexspiro@quinnemanuel.com; jennybraun@quinnemanuel.com; sarahconcannon@quinnemanuel.com

Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>; Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

Following up on our call today, attached please find a draft Case Management Plan with the dates we discussed. Please let us know your thoughts and any proposals. Also, shall we set a follow up call for next Friday to discuss any remaining open issues?

Thanks, and have a nice weekend.

From: Wintermyer, Wesley

Sent: Tuesday, May 16, 2023 5:03 PM

To: JP Kernisan <jpkernisan@quinnemanuel.com>

Cc: Maaren Shah <maarensah@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Jenny Braun <jennybraun@quinnemanuel.com>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

It works for us. Thank you so much for the accommodation.

Best,
Wes

Wesley Wintermyer

Counsel

Division of Enforcement | New York Regional Office

OFFICE +1 212 336 5462

MOBILE +1 646 954 6979

wintermyerwe@sec.gov



**U.S. Securities and
Exchange Commission**

From: JP Kernisan <jpkernisan@quinnemanuel.com>

Sent: Tuesday, May 16, 2023 5:00 PM

To: Wintermyer, Wesley <WintermyerWe@SEC.GOV>

Cc: Maaren Shah <maarensah@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Jenny Braun <jennybraun@quinnemanuel.com>; Moilanen, Lindsay S <moilanenl@SEC.GOV>; Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>

Subject: Re: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Wes - would Friday at 3 work? That works for those of us joining on our end.

JP Kernisan | *Partner*
Quinn Emanuel Urquhart & Sullivan, LLP

On May 16, 2023, at 4:43 PM, Wintermyer, Wesley <WintermyerWe@sec.gov> wrote:

[EXTERNAL EMAIL from wintermyerwe@sec.gov]

Hi JP – We were hoping that you might be able to move tomorrow’s call to Friday after 11:30. Please let us know if you have a time Friday afternoon that works.

Best,
Wes

Wesley Wintermyer

Counsel

Division of Enforcement | New York Regional Office

OFFICE +1 212 336 5462

MOBILE +1 646 954 6979

wintermyerwe@sec.gov



**U.S. Securities and
Exchange Commission**

From: Wintermyer, Wesley
Sent: Friday, May 12, 2023 2:23 PM
To: JP Kernisan <jpkernisan@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Jenny Braun <jennybraun@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

Hi JP – That works for us. I will circulate a dial in.

Wes

Wesley Wintermyer

Counsel
Division of Enforcement | New York Regional Office
OFFICE +1 212 336 5462
MOBILE +1 646 954 6979
wintermyerwe@sec.gov



**U.S. Securities and
Exchange Commission**

From: JP Kernisan <jpkernisan@quinnemanuel.com>
Sent: Friday, May 12, 2023 2:21 PM
To: Wintermyer, Wesley <WintermyerWe@SEC.GOV>; Maaren Shah <maarenschah@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Jenny Braun <jennybraun@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: RE: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Wes – are you available next Wednesday at 4?

From: Wintermyer, Wesley <WintermyerWe@SEC.GOV>
Sent: Friday, May 12, 2023 12:25 PM
To: JP Kernisan <jpkernisan@quinnemanuel.com>; Maaren Shah <maarenschah@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Jenny Braun <jennybraun@quinnemanuel.com>
Cc: Moilanen, Lindsay S <moilanenl@SEC.GOV>
Subject: FW: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

[EXTERNAL EMAIL from wintermyerwe@sec.gov]

JP:

Please see below from Judge Liman. Can you please let us know your availability after Tuesday of next week for a call?

Many thanks,
Wes

Wesley Wintermyer

Counsel
Division of Enforcement | New York Regional Office
OFFICE +1 212 336 5462
MOBILE +1 646 954 6979
wintermyerwe@sec.gov



**U.S. Securities and
Exchange Commission**

From: NYSD_ECF_Pool@nysd.uscourts.gov <NYSD_ECF_Pool@nysd.uscourts.gov>

Sent: Friday, May 12, 2023 12:03 PM

To: CourtMail@nysd.uscourts.gov

Subject: Activity in Case 1:23-cv-02795-LJL Securities and Exchange Commission v. Javice et al Order for Initial Pretrial Conference

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 5/12/2023 at 12:02 PM EDT and filed on 5/12/2023

Case Name: Securities and Exchange Commission v. Javice et al

Case Number: [1:23-cv-02795-LJL](https://ecf.sdnyc.uscourts.gov/caselist?case=1:23-cv-02795-LJL)

Filer:

Document Number: [13](#)

Docket Text:

NOTICE OF INITIAL PRETRIAL CONFERENCE: It is hereby: ORDERED that counsel for all parties appear in-person for an Initial Pretrial Conference on June 7, 2023, at 10:00 a.m. in Courtroom 15C at the 500 Pearl Street Courthouse. IT IS FURTHER ORDERED that, by one week prior to the conference, the parties jointly submit to the Court a proposed Case Management Plan and Scheduling Order. A template is available at <https://www.nysd.uscourts.gov/hon-lewis-j-liman>. This document should be filed electronically on ECF, consistent with the Court's Individual Practices in Civil Cases, which are available on the same webpage. Parties should consult the Individual Practices for guidance on the matters to be discussed at the Initial Pretrial Conference and for the Court's rules with respect to communications with Chambers and other procedural matters. Counsel for Plaintiff is ordered to notify Defendants of this Notice. SO ORDERED. (Initial Conference set for 6/7/2023 at 10:00 AM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Lewis J. Liman.) (Signed by Judge Lewis J. Liman on 5/12/23) (yv)

1:23-cv-02795-LJL Notice has been electronically mailed to:

Nancy A Brown brownn@sec.gov

Antonia Marie Apps AppsA@sec.gov

Lindsay Senechal Moilanen moilanenl@sec.gov

Wesley Warren Wintermyer wintermyerwe@sec.gov

1:23-cv-02795-LJL Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=5/12/2023] [FileNumber=29493173-0] [418179b50975ef9092fbd97b10c21ac54dba3ecba4b666fd8f0c0adec1e2111b5903eedbbd22e6527f9f5403081a71272c963d3a4573c0c341f475272a60a99e]]